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2 BOARD MEMBERS PRESENT

3 DONOVAN ANDERSON, CHAIRMAN

4 NICK ALBERTI, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7 JAKE PERRY, BOARD MEMBER

8

9 ALSO PRESENT:

10 SCOTT ROME

11 MICHAEL KOSMIDES

12 FELICIA DANTZLER

13 JEROME MERRILL

14 MICHAEL O'HARRAN

15

1 P R O C E E D I N G S

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: We now have a fact
4 finding hearing on Case #16-251-00257, Cities
5 D.C., license #77812. Will the parties please
6 approach and identify themselves for the record,
7 please?

8 MR. ROME: Good afternoon. Scott Rome from
9 the Veritas Law Firm here on behalf of the
10 licensee.

11 CHAIRPERSON ANDERSON: Good afternoon.

12 MR. KOSMIDES: Michael Kosmides, on behalf of
13 Cities.

14 CHAIRPERSON ANDERSON: Good afternoon.

15 MS. DANTZLER: Felicia Dantzler, investigator
16 with ABRA.

17 CHAIRPERSON ANDERSON: Good afternoon.

18 LT. MERRILL: Lieutenant Jerome Merrill,
19 Metropolitan Police Department.

20 CHAIRPERSON ANDERSON: Good afternoon
21 everyone. We have a fact finding hearing here
22 based on the fact that we received a letter from

1 the interim police chief asking the board for a
2 revocation of the license based on an incident
3 that occurred on the 20th of November, on
4 November 20th. The board decided to have a fact
5 finding hearing in this case so I think I can ask
6 Ms. Dantzler, who did a report, can you just
7 provide some information? What were you able to
8 ascertain as a result of your report?

9 MS. DANTZLER: Yes, on November 20, the early
10 morning hours of Sunday, November 20th of 2016 my
11 supervisor, Keith Gathers, instructed me to
12 respond to Cities D.C. located at 1909 K Street
13 Northwest regarding a possible stabbing. He gave
14 me that call at approximately 2:52 in the
15 morning. On that same morning at approximately
16 2:58, I responded to D.C. Cities and met with MPD
17 officers and received some preliminary
18 information that they believed that a patron of
19 D.C. Cities was stabbed once outside the
20 establishment. Also, inside, I identified myself
21 to the three officers who were standing around
22 and I asked to speak to the reporting officer and

1 at that time the reporting officer was not
2 identified. However, one of the police officers
3 led me to a back office where I met with Mr.
4 Azizi who identified himself as one of the ABC
5 managers. Mr. Azizi stated that he was working
6 on the night and present when he observed a fight
7 erupt inside the establishment, outside of the
8 bathroom area. Mr. Azizi stated that he and
9 security quickly moved in and approached the
10 individuals involved and security ejected
11 everyone -- everyone involved in the fight was
12 ejected from the establishment. Mr. Azizi stated
13 he also noticed a second fight erupt pretty close
14 to the same area and then at that point he stood
15 between the patrons and the security officer
16 responded to that incident and security ejected
17 those individuals from the establishment. Mr.
18 Azizi stated that he witnessed a third fight
19 outside the establishment and it was at that
20 point when he observed a male lying on the ground
21 in front of the establishment and he called the
22 police. Also, according to Mr. Azizi, the

1 establishment is equipped with 16 cameras and
2 only one camera was not working on that night.
3 However, Mr. Azizi stated that although he had
4 been working for the establishment for
5 approximately three months, he had only been a
6 manager since November 17th and he did not know
7 how to operate the video equipment.

8 On Sunday, November 20th, I interviewed
9 Anthony Ford who identified himself as owner of
10 Ford Protection Service located out of Baltimore,
11 Maryland. Mr. Ford stated that he provided
12 security guards at Cities to watch over a
13 birthday party. Mr. Ford stated that at
14 approximately 2:20 to 2:30 a.m. a fight broke out
15 near the bathrooms and his security guards
16 separated the individuals and ejected the groups
17 that were involved. Then he stated once outside,
18 a second -- I'm sorry, scratch that. Mr. Ford
19 stated that he let one group out first and then
20 they waited a moment and then they let the second
21 group out. Both groups were let out of the
22 establishment through the front entrance. Mr.

1 Ford stated that a second fight erupted and he
2 went on to say further it was more of a pushing
3 battle but not a fight. However, Mr. Ford stated
4 that a third fight erupted between four to five
5 females and security intervened and he, Mr. Ford,
6 literally picked up one of the females and
7 ejected her from the establishment. Mr. Ford
8 stated that security guards can be identified by
9 their all-black attire with the word "security"
10 printed on the front and back of their shirts.

11 During the investigation, still while on
12 Sunday, November 20th, Ramon Emilio Raminez
13 appeared and identified himself as one of the
14 owners. I asked Mr. Raminez was he identified on
15 ABRA's paperwork as one of the owners and he
16 stated that he was not. Although Mr. Raminez was
17 not present he was able to say that he did not
18 know how to operate the video equipment, however
19 he would contact the company who installed it and
20 get their assistance and provide a copy of the
21 video footage for ABRA so we could review and he
22 would have that information ready for us later on

1 that Sunday evening.

2 Also, on Sunday, November 20th, I did get an
3 opportunity to identify the lead, or should I say
4 the reporting police officer, Officer Michael
5 Jankowski, and he was at the police with the
6 victim and stated that the victim was sedated and
7 was unable to provide a statement, so I did not
8 go to the hospital.

9 Later on Monday, November the 21st, I did
10 review ABRA's records and discovered that Michael
11 Kosmides is the sole owner of Cities, D.C., and I
12 also discovered that there were no applications
13 or notice made to the ABRA board of a change of
14 ownership and/or partners.

15 On Tuesday, November 22nd, I telephonically
16 interviewed Andre Darnell Brown who was
17 identified as the victim on the PD-251. Mr.
18 Brown stated that he purchased tickets to attend
19 a birthday party being held at Cities D.C. and on
20 the night of the incident he and three other
21 friends arrived at Cities at approximately 10:30
22 p.m. Mr. Brown went on to say that the night was

1 uneventful until the point where he was leaving
2 the restroom and as he as leaving the restroom
3 approximately 10 males entered the restroom at
4 the same time, while at that same time someone
5 yelled 'let my man through.' Mr. Brown stated
6 that he was then struck upon the hand with a
7 bottle which caused him to stumble and he fell
8 forward landing on a chair. Mr. Brown stated
9 that he tried to get up but he had no feeling in
10 his left leg. He also stated that he tried to
11 get up again but his left leg gave out and so he
12 began to crawl and then someone lifted him to his
13 feet. Mr. Brown stated that he felt something
14 dripping down his back and discovered that it was
15 blood and somehow he ended up outside the
16 establishment. Mr. Brown added that he was taken
17 to the hospital, admitted and received seven
18 stitches to his back and he was released on the
19 evening of Monday, November 21st of 2016, where
20 he is cooperating with doctors' instructions to
21 be off work for the next two weeks.

22 Mr. Brown stated that Cities' employees did

1 not offer him first aid and he wondered how a
2 knife got into the establishment if everyone was
3 being patted down. On Wednesday, November 23,
4 2016, I telephonically interviewed Shahryar
5 Kamouie who identified himself as an ABC manager
6 and a hopeful owner of Cities, D.C. Mr. Kamouie
7 stated that he was there on the night of the
8 incident, however he left between 11:00 p.m. and
9 11:30 p.m. and Mr. Kamouie directed me to speak
10 with Rohan Molhatra, the event coordinator, to
11 obtain additional information as it related to
12 the promoter of the birthday party. I wanted to
13 know more about the ownership, so Mr. Shahryar
14 stated to me that Mr. Kosmides, Michael Kosmides,
15 is still the owner, however he now owns 40% of
16 the business and the other 60% of the business is
17 made up between Mr. Shahryar, Mr. Raminez, and
18 Mr. Rohan. Mr. Shahryar also stated to me that
19 they had terminated their relationship with Mr.
20 Azizi, the ABC manager who was working there that
21 night and they are also in the process of talking
22 with MPD about providing the reimbursed procedure

1 to assist with security.

2 On Wednesday, November 23, 2016, I had a
3 telephonic interview with Mr. Malhotra, the event
4 coordinator for Cities, D.C. and he explained to
5 me that approximately 30 days ago he was
6 contacted by Dennis -- he unfortunately didn't
7 know his last name -- but he stated that Dennis
8 was someone who worked for the promoter of The
9 Dream Team. Mr. Malhotra stated that -- a quick
10 indulgence, please -- Mr. Dennis told Mr.
11 Malhotra that the event was going to be for a few
12 hundred people, and asked of Mr. Malhotra how
13 many people did he expect a few people to be? He
14 said that he expected approximately 300 people
15 and that the birthday party will begin at 10:00
16 p.m. and end at 3:00 a.m. All patrons had to be
17 at least 21 years of age. I also asked Mr.
18 Malhotra what were the conditions of the contract
19 that he had with Dream Team and he stated that
20 Cities D.C. would not provide any food. There
21 was a bar guarantee that the Dream Team had to
22 pay. Cities D.C. was going to provide at least

1 five -- correction, seven -- security guards.
2 There was no cost for Dream Team to host a party
3 at the event and a credit card had to be placed
4 on for a deposit. Mr. Malhotra stated that the
5 promoter did not provide security and stated that
6 Cities D.C. provided Ford Protection Service for
7 security and Ford Protection Service has been
8 working with their establishment for
9 approximately one year. When I asked is there a
10 security plan and Mr. Malhotra wasn't quite sure
11 but he did state that at the beginning of each
12 shift management does speak with security and
13 they talk about ways, how to handle fights and
14 how to handle injured patrons.

15 Lastly, on Monday November the 21st, and on
16 Wednesday, November 23rd, ABRA investigator Earl
17 Jones had assisted me with this investigation by
18 helping with obtaining a copy of the video
19 footage which I did receive and I have reviewed
20 the video footage, but I'm not sure if the board
21 has received a supplemental report.

22 CHAIRPERSON ANDERSON: No, I have not seen a

1 supplemental report.

2 MS. DANTZLER: And that's the end of my
3 testimony.

4 MR. ROME: We have not seen the supplemental
5 report either.

6 CHAIRPERSON ANDERSON: I guess no one can
7 talk about a report that no one has seen. I'm
8 sorry, I did not get your name.

9 MR. MERRILL: I'm sorry, Jerome Merrill.

10 CHAIRPERSON ANDERSON: Lieutenant Merrill, do
11 you have anything you can add to?

12 MR. MERRILL: Well, our detectives did review
13 the video footage. The complainant was stabbed
14 inside the club. After the incident inside the
15 club he sat down on the couch and when he got up
16 off the couch he had blood on his back and he's
17 feeling the moisture on his back at that time.
18 Once he got -- we can't really tell how he got
19 outside the club, just a whole bunch of melee
20 going on, but you can tell that he was stabbed,
21 that he was injured before he exited that club.
22 We interviewed him at the hospital. He gave

1 almost the same account that he gave the ABRA
2 investigator. He told us that the incident
3 occurred in the bathroom. He got into a fight
4 with several males and that's when he noticed --
5 when he was walking away from that -- from the
6 bathroom -- that's when he noticed that his back
7 was wet with blood. From what I saw from the
8 footage and everything, the owners, they appeared
9 -- the management -- they appeared to be
10 cooperating with us when we got there. Other
11 than that, it was a lot of fights going on. We
12 got there and it was several fights. Then when
13 we got there, there was more fights that took
14 place into the street, so it was a lot of chaos
15 going on when we got to that club that evening.

16 CHAIRPERSON ANDERSON: No one has seen the
17 camera footage but have you been able to
18 ascertain did the stabbing occur in the bathroom
19 or did it occur in the club or outside?

20 MR. MERRILL: We know he was stabbed inside
21 the club.

22 CHAIRPERSON ANDERSON: Okay.

1 MR. MERRILL: It most likely occurred during
2 the incident and the melee that occurred with the
3 big fight, but he was stabbed before he exited
4 the club.

5 CHAIRPERSON ANDERSON: Okay. Do we know what
6 was he stabbed with?

7 MR. MERRILL: Not at this time.

8 CHAIRPERSON ANDERSON: I'm sorry -- Mr. --

9 MR. ROME: Rome.

10 CHAIRPERSON ANDERSON: Rome? How do you
11 spell that, please?

12 MR. ROME: R-O-M-E.

13 CHAIRPERSON ANDERSON: Okay. I need to write
14 these things down when you introduce yourselves,
15 so I apologize. Mr. Rome. What is it that you
16 want to present on behalf of the establishment?

17 MR. ROME: Sure. As an establishment TGR
18 Cities take very seriously any violence --

19 MR. SILVERSTEIN: Please speak into the mic,
20 sir.

21 MR. ROME: Sure. We take seriously any
22 violence that occurred, any physical altercation

1 that takes place in their establishment they
2 recognize the seriousness and want to come here
3 and present what they believe to have happened on
4 that night. Mr. Kosmides, who has owned Cities
5 for 11 years in its multiple iterations -- it
6 used to be called Look, it's now called Cities --
7 he's been there for 11 years as an owner. There
8 have been no incidents of violence with a weapon.
9 He also owned another establishment that was
10 known as Cities that was located around the
11 corner for five years and as far as we know there
12 was no incident of any violence with a weapon in
13 those five years that that nightclub was run, and
14 so they take seriously their responsibility here.
15 I think that the important thing from their
16 perspective was how their security and how their
17 staff attempted to prevent any violence and how
18 they reacted afterwards. It seems as though they
19 were properly staffed. They had more cameras in
20 place than what's required by their security
21 plan. They have 16 cameras in place. Everyone
22 who came in was patted down. That's been

1 acknowledged by even the victim who said he was
2 patted down and everyone was patted down. It
3 seems that they reacted promptly to any fights
4 that happened in the establishment. There's been
5 no dispute that they didn't separate the
6 combatants and bring them out separately and did
7 their best to diffuse whatever fighting there
8 was. I understand that the reason we're here is
9 because someone was allegedly stabbed and that's
10 not something to brush past and in none of the
11 video that I watched, I don't see nor has anyone
12 else has seen such a stabbing take place on the
13 video but there was blood on this individual's
14 back and so from that some have concluded that
15 there's been a stabbing so that's why we're here
16 and that's why it's important to know what they
17 did before and after. The places where their
18 staff fell short was the manager who first
19 responded to the investigator afterwards and that
20 manager has been terminated. That manager did
21 not respond to questions properly. It was his
22 third day as a manager, it was his last day as a

1 manager, and my client is prepared to take
2 whatever steps necessary to make sure that the
3 individuals who do work at their establishment
4 give proper answers to investigators, know how to
5 work the recording equipment, and can provide
6 video when needed. Video was provided I believe
7 in a very efficient manner. That individual who
8 was acting as a manager that night wasn't able to
9 access it but others were. I understand there
10 were also questions about the security company,
11 which was Ford Security, acting out of Baltimore.
12 I personally did not see anything on the video,
13 and I don't think there's been any testimony that
14 they acted inappropriately but we understand the
15 need to have companies that are used to working
16 with the D.C. atmosphere and not just Baltimore,
17 and so going forward, Ford Security will not be
18 the security company at any events or any weekend
19 nights, anytime that there's security that's
20 needed. We have another security company that's
21 been retained: Prestige Management. And we have
22 Mr. David Scott who's here today from Prestige

1 Management. He's gone through the host training
2 done by Robert Smith and all his employees are
3 required to go through that training. Although
4 we don't think that Ford Security acted
5 improperly on that night we want to get even
6 better and have better security and so that's why
7 they have hired the people that they did.

8 A new GM has been put in place and so
9 there'll be no question that Mr. Azizi will be
10 there at any time any investigators come through.
11 The client has also told me that they are willing
12 to get reimbursable detail, which is not a
13 requirement on their security plan, which is not
14 a requirement anywhere, but it's something that
15 they believe is important and expect to show that
16 they are willing to show their seriousness
17 towards the security. I think that addresses
18 everything that happened on that night.

19 CHAIRPERSON ANDERSON: You were saying that
20 whatever the board does, we can state that your
21 client has agreed to have reimbursable detail,
22 and when will they have this detail?

1 MR. ROME: From what I understood talking to
2 manager today that they are already working to
3 get that in place.

4 CHAIRPERSON ANDERSON: But I'm saying what
5 days, when?

6 MR. ROME: Oh, on Fridays and Saturday
7 nights.

8 CHAIRPERSON ANDERSON: When is the
9 establishment open?

10 MR. ROME: It's open seven days a week but
11 it's for lunch and happy hour on which days?

12 MR. KOSMIDES: Seven days a week.

13 MR. ROME: Seven days a week. And which
14 nights are there actually a nightclub operation.

15 MR. KOSMIDES: Two nights a week, Friday and
16 Saturday.

17 MR. ROME: Friday and Saturday are the only
18 nights of nightclub operation so they wouldn't
19 have a reimbursable detail there during lunch or
20 during happy hours, but during the nights when it
21 operates as a nightclub they would have
22 reimbursable detail on.

1 CHAIRPERSON ANDERSON: So, what are the hours
2 that it operates as a nightclub?

3 MR. KOSMIDES: 12:00 to 2:30 a.m. on Friday
4 and Saturday night.

5 CHAIRPERSON ANDERSON: I didn't hear, sir.

6 MR. KOSMIDES: 12:00 midnight to 2:30 a.m.
7 Friday and Saturday evening.

8 CHAIRPERSON ANDERSON: So when is it -- are
9 you saying then that you would have reimbursable
10 detail between 12:00 and 2:30?

11 MR. ROME: Yes. It's open before that. It's
12 open, you know, at 10:30 but it's not a nightclub
13 until midnight so that's when the reimbursable
14 detail would be on staff.

15 CHAIRPERSON ANDERSON: Because I think the
16 reimbursable detail has to be a minimum of four
17 hours, you probably would have to have it at
18 10:00.

19 MR. KOSMIDES: We'd probably have them from
20 10:00 to 3:00, 10:00 to 4:00 for, prior to any
21 event and being there after any event as well.

22 CHAIRPERSON ANDERSON: I think we'll work out

1 the details, but what I've heard is that there is
2 an agreement that reimbursable detail will be
3 there for Friday and Saturday and since it's for
4 a minimum of four hours --

5 MR. ROME: We will have them at least that
6 long.

7 CHAIRPERSON ANDERSON: Right. I just have
8 two questions to ask for some clarification. In
9 the report, Mr. Brown stated that he thought that
10 he was stabbed by a knife and he said he wondered
11 how a knife got into the establishment if
12 everyone was being patted down, so do we know
13 what was the object used to stab Mr. Brown and
14 how was that object -- how did that object get in
15 the club?

16 MR. ROME: We do not know that he was stabbed
17 with a knife for certain. There was no knife
18 that was recovered. He admits that a bottle was
19 broken over his head and that he fell on the
20 chair and that his back was bloody. From that
21 they've concluded that he was stabbed but no one
22 had seen such a stabbing, no one had recovered a

1 weapon. We don't know.

2 CHAIRPERSON ANDERSON: Now, there's also in
3 the report -- there's some cloudiness regarding
4 the ownership status of the establishment. So,
5 can you tell us what is the ownership status. As
6 far as ABRA is concerned, Mr. Kosmides is the
7 100% owner of the club, but in the report there
8 is some muddy waters. So, why don't you provide
9 us some clarification of the club's ownership.

10 MR. ROME: Sure. That certainly needs to be
11 addressed. The individual managers who stated
12 that they had ownership but weren't all the
13 paperwork as ownership, are not owners. Mr.
14 Kosmides is an owner. He is no longer the sole
15 owner. Our firm wasn't retained for those issues
16 to sort out the ownership but we're getting to
17 the bottom of it. I would suggest that the
18 licensee be permitted to submit a transfer of
19 ownership with whoever are the actual owners
20 within a certain number of weeks from today's
21 date. Mr. Kosmides has always been an owner,
22 he's still an owner, and he now understands that

1 he's responsible but he has engaged other counsel
2 to do memorandums and operating agreements to
3 sort out who the rest of the ownership is. I'm
4 not privy to that information yet, but we
5 certainly understand that needs to be conveyed to
6 the board.

7 CHAIRPERSON ANDERSON: Well, it appears that
8 at some point ABRA's records said he's 100% owner
9 and then there's an allegation there that he's
10 only a 40% ownership and the 60% is made up
11 between other folks. So, when is it that --
12 since it's in the record that there is some
13 issues regarding the ownership, when will your
14 client comply with ABRA's regulations to clarify
15 the ownership? It's not a matter of me saying
16 'we're going to give you two weeks,' in that if
17 you know that Mr. Kosmides is not 100% ownership
18 when is it that your client is going to come to
19 ABRA and clarify the records to say who the
20 owners of the establishment are?

21 MR. ROME: As soon as possible. The law firm
22 that has been retained to work on the ownership,

1 I've been in contact with both of those lawyers.
2 If it's possible to have it today, they'll have
3 it today, but as far as I know at this point
4 nothing's been submitted to ABRA clarifying the
5 ownership other than Mr. Kosmides being still
6 listed as the sole owner which we acknowledge is
7 not accurate at this point. Now, some of the
8 other things that were said about the other
9 percentage -- from what I understand that's not
10 accurate either, so --

11 CHAIRPERSON ANDERSON: Well I thought I chose
12 my words, I said there's some, it's not clear if
13 he's 100% ownership or not. I didn't say --
14 that's why I said from your perspective, if he's
15 not 100 -- our records said he's 100% ownership
16 but it appears from what I'm hearing from the
17 report that that's not clear, so all I'm asking
18 is that when is it that your client is going to
19 clarify that issue to ABRA? You don't have to
20 give me a response now, but I'm just saying it's
21 not a matter of us saying to you that you need to
22 do that yesterday, it's a matter of you saying

1 'we know that we're not in compliance with the
2 law so therefore we're going to take the steps to
3 clarify that' --

4 MR. ROME: I understand.

5 CHAIRPERSON ANDERSON: -- that needs to be
6 done.

7 All right, do we have any questions? Yes,
8 Mr. Silverstein?

9 MR. SILVERSTEIN: I'd like to address these
10 questions directly to Mr. Kosmides. Who owns
11 Cities?

12 MR. KOSMIDES: Right now, ownership is in
13 flux -- myself and a few minority partners, and
14 over the last few months, being the last three
15 months, ownership is -- there have been some
16 minority interests purchased and we're working it
17 out to transition me out of the business. I've
18 got family issues and personal issues over the
19 last year that have made it tougher and tougher
20 to still own and operate the business. Within
21 the next, I would say, two weeks we will have a
22 plan submitted to the board with the new entity,

1 new, like, 100% clarification on ownership,
2 shares owned, so within two weeks we'll have a
3 plan to the board with -- to un muddy any waters
4 and to give the board 100% clarity as to all the
5 changes that have recently taken place in the
6 last few months.

7 MR. SILVERSTEIN: When did you come to these
8 agreements with these people and who are they? I
9 mean, this is a fact finding hearing and these
10 are the facts that we need to find. These are
11 things we're still --

12 MR. KOSMIDES: I'll be able to answer that
13 more clearly within the next two weeks.

14 MR. SILVERSTEIN: You don't know their names?

15 MR. KOSMIDES: Once these issues are -- once
16 everything's resolved and once everything is
17 finalized.

18 MR. SILVERSTEIN: You don't know their names?

19 MR. KOSMIDES: I do know their names.

20 MR. SILVERSTEIN: Who are they?

21 MR. SILVERSTEIN: I mean, I don't think -- I
22 think until everything is finalized and firmed

1 up, I don't think that --

2 MR. ROME: It's my understanding that the LLC
3 has minority owners that are other LLC's that
4 have other owners behind them. Is that correct?
5 And they would be able to tell you who those
6 other individuals are at any time.

7 MR. SILVERSTEIN: There was an act of
8 violence here. The police came. Our
9 investigators came and people represented
10 themselves as owners. The police asked that this
11 place be closed because it posed, according to
12 the police, an imminent danger, and one of the
13 problems, who runs the place? Is anybody in
14 charge? And, Mr. Rome, you seem to think this is
15 just business as usual. Who -- Mr. Kosmides owns
16 the place now. Mr. Kosmides, have you been
17 running the place or have the new -- the people
18 who are being brought in who are agreeing to
19 these things, have they been transitioning in?
20 Have they been running the place? Have they been
21 taking part?

22 MR. ROME: My understanding is that they're

1 investors. You have to explain to them who the
2 owners are.

3 MR. KOSMIDES: Yeah, people who are going to
4 be taking over the business have been getting
5 more and more involved in the last few months in
6 the day to day and the operating of the business.
7 I'm still majority owner. I take full
8 responsibility for anything that happens in the
9 place. Everything -- nothing's been finalized
10 yet. That's why everything's still very up in
11 the air. Contracts haven't been signed. So, we
12 can still revert to me being, you know, the plan,
13 the ownership structure and everything that we're
14 discussing currently is being still, you know, I
15 don't know how to answer it.

16 MR. ROME: And I don't take this as business
17 as usual and I explained to them right away that
18 this needs to be resolved.

19 MR. SILVERSTEIN: We need to know who's
20 running the place and who's in charge. If the
21 police feel it's serious enough to close I think
22 we have to have a higher standard of scrutiny

1 than we normally would.

2 MR. KOSMIDES: We brought our head of
3 security here today, we brought our general
4 manager here today, our new general manager.

5 MR. SILVERSTEIN: Who are these people who
6 are going to be -- I want to know if the people
7 who are going to be brought in are the people who
8 have been working to run this place, who have
9 been in training -- who are they?

10 MR. KOSMIDES: Right here we've got David
11 Scott and Ramone.

12 MR. SILVERSTEIN: Can you give me their
13 names?

14 MR. KOSMIDES: David Scott.

15 MR. SILVERSTEIN: I'm sorry?

16 MR. KOSMIDES: David Scott. The gentleman
17 right there --

18 MR. ROME: That's not what he's asking -- are
19 you asking about ownership or the people who are
20 here?

21 MR. SILVERSTEIN: Ownership.

22 MR. ROME: He's talking about ownership.

1 MR. SILVERSTEIN: And are those the people
2 who have been moving in? Now?

3 MR. KOSMIDES: Yeah, I mean we, you know,
4 like any business we've got ownership, we've got
5 management, we've got security. I don't
6 understand what the -- I mean at some point in
7 the next two weeks when ownership transfers then,
8 you know, yes there will be new people doing
9 those things.

10 MR. SILVERSTEIN: You have a drop dead date
11 for giving us the names and whatever?

12 MR. KOSMIDES: I was hoping to have it for
13 you today, to be honest with you, sir.

14 MR. SILVERSTEIN: Well, today's not a drop
15 dead date.

16 MR. KOSMIDES: I would say within two weeks
17 you will have it, sir.

18 MR. SILVERSTEIN: We will have it by December
19 -- prior to our December 13th meeting?

20 MR. KOSMIDES: Prior to the December 13th
21 meeting, sir, absolutely.

22 MR. SILVERSTEIN: Okay, I have a lot of other

1 questions but I'm going to -- After the first
2 what will you have before the December 13th
3 meeting?

4 CHAIRPERSON ANDERSON: Hold on, hold on.

5 MR. KOSMIDES: All the names that you're
6 asking for in terms of ownership?

7 MR. KOSMIDES: All the names in terms of
8 ownership structure, the LLC, everything that
9 you're asking for in terms of -- in terms of
10 ownership.

11 MR. ROME: What I would advise them to do --
12 I'm just an attorney, don't take my advice --

13 MR. ALBERTI: Here's what I'd like. By
14 December 13th I would like a transfer application
15 that's been accepted by this agency. That means
16 that we have all of the required paperwork on all
17 of the proposed owners, all right?

18 MR. KOSMIDES: I can get that.

19 MR. ALBERTI: And Mr. Rome you can probably -
20 - and our licensing division can advise you as to
21 what is needed. So, we need all these agreements,
22 we need lease agreements, you know the business,

1 Mr. Rome.

2 MR. ROME: Yes.

3 MR. ALBERTI: That's what we need by December
4 31st. We don't need some vague names. Is that
5 okay with you, Mike?

6 MR. SILVERSTEIN: Yeah, December 13th.

7 MR. ALBERTI: December 13th, I'm sorry.

8 MR. SILVERSTEIN: We need it in the agency
9 prior to that so the agency can accept it and we
10 will be able to see it. Maybe we should meet
11 with you again on the 14th, or on the 13th,
12 briefly, as a possibility. It's the 14th
13 actually, so you should have it by the 13th or
14 sooner if possible. I have a lot of other
15 questions but I'm going to defer to my
16 colleagues.

17 CHAIRPERSON ANDERSON: All right, the last
18 session that we're having for this year is
19 December 14th and after that we're not going to
20 meet again until January, I think 11th, so the
21 bottom line is that it should be provided to the
22 agency in sufficient time for the board to

1 consider it on January -- I'm sorry, for the
2 board to consider it on December 14th, okay? Mr.
3 Short?

4 MR. SHORT: Okay, I'm looking at the
5 application and I'm looking at the quote. This
6 is supposed to be a restaurant, correct?

7 MR. KOSMIDES: Correct. Well, we're a
8 restaurant with an entertainment license. We've
9 been doing bottle service events for 10 years,
10 for 11 years at this particular location, so we
11 do also meet the --

12 MR. SHORT: But you're not a nightclub.

13 MR. KOSMIDES: No, we're not.

14 MR. SHORT: Why did you use the language
15 nightclub when we first? --

16 MR. KOSMIDES: I just figured that was the
17 terminology.

18 MR. SHORT: No, no, no you can't do that.

19 MR. KOSMIDES: I apologize, sir.

20 MR. SHORT: And when it comes to ownership,
21 so if I'm driving a car that you're about to
22 sell me a week from now, I can tell the police,

1 'this is my car, not his car, because we made a
2 verbal agreement.' Is that what you're
3 representing to this board about your license,
4 your ABC license?

5 MR. KOSMIDES: No, not at all.

6 MR. SHORT: How long has this been in flux,
7 these persons operating with you and for you and
8 the deal you've made? How long has it been going
9 on?

10 MR. KOSMIDES: I would say since probably
11 maybe eight weeks, ten weeks.

12 MR. SHORT: So, you've been operating without
13 a -- so when the investigator comes there and
14 this person or that person says they're the
15 owner, and you're not there, then they are the
16 owner -- is that what you're trying to tell us?

17 MR. KOSMIDES: No, not at all.

18 MR. SHORT: What are you saying?

19 MR. KOSMIDES: That we have [inaudible
20 1:36:13] general manager on duty, -- to find a
21 director of security --

22 MR. SHORT: No, no, no sir. When we write a

1 ticket, the owner is the one who has to pay the
2 ticket, not security --

3 MR. KOSMIDES: Exactly --

4 MR. SHORT: -- not the general manager --

5 MR. KOSMIDES: -- yes, sir, and that's why I
6 -- that's why I'm here today to accept
7 responsibility.

8 MR. SHORT: -- excuse me, excuse me, excuse
9 me.

10 MR. KOSMIDES: Okay, sorry.

11 MR. SHORT: If you don't know who the owner
12 is, how do we know who the owner is? And you're
13 saying it might be this person, it might be that
14 person, and you're telling this board by the 13th
15 you're going to give us an application. Why
16 haven't you provided the application prior to
17 now?

18 MR. KOSMIDES: We're in the final -- we're,
19 like, in process, all this stuff has happened
20 fairly quickly and we're going to have all those
21 answers for you as quickly as we can get them and
22 I thought that we would be, you know --

1 MR. SHORT: So, let me ask you a question.

2 So, you're operating now, correct? Are you open?

3 MR. KOSMIDES: Yes.

4 MR. SHORT: Someone is stabbed again in there
5 today or tomorrow --

6 MR. KOSMIDES: It's still my responsibility,
7 and it's still Ramone running the place, it's
8 still David doing --

9 MR. SHORT: What have you done to make me as
10 a board member feel more comfortable about
11 allowing you to continue an ABC license in this
12 district when you come here today, you're going
13 to give us an application that you should have
14 gave us months ago, you're trying to say you're
15 really not responsible. Is that true? Or are
16 you responsible? Who's responsible

17 MR. KOSMIDES: I'm responsible.

18 MR. SHORT: So, the stabbing falls under your
19 responsibility?

20 MR. KOSMIDES: Yes. And again, there was no
21 stabbing. There was no weapon found. There was
22 no evidence of a stabbing. The guy fell on the

1 guy.

2 MR. SHORT: Wait, he just bled through his
3 clothes because he happened to be walking through
4 your club?

5 MR. KOSMIDES: He fell to the floor in the
6 bathroom and there was glass, per his statement,
7 that he fell on. So, how it got elevated into a
8 stabbing, that's conjecture, there's no evidence
9 to back that up.

10 MR. SHORT: Please let me say this to you.
11 That answer is not acceptable to me. You are a
12 restaurant owner in Washington, D.C., who morphs
13 into whatever when you feel like it. People are
14 getting stabbed, multiple fights, the police
15 officer just testified multiple fights. Is this
16 the first time you've had multiple fights in
17 your restaurant?

18 MR. KOSMIDES: Yes.

19 MR. SHORT: This is the very first time.
20 It's never happened before?

21 MR. KOSMIDES: Multiple fights, yes.

22 MR. SHORT: No, no, no. Fights. When -- how

1 many fights have you had this year in your
2 restaurant?

3 MR. KOSMIDES: I wouldn't be able to answer
4 that, but --

5 MR. SHORT: Is it more than one?

6 MR. KOSMIDES: We've had more than one.

7 MR. SHORT: Is it more than five?

8 MR. KOSMIDES: No.

9 MR. SHORT: So you've had five or less?

10 MR. KOSMIDES: Yes. Yes, less than -- five
11 or less.

12 MR. SHORT: We're going to have a police
13 officer testify later on about how many runs
14 they've been on those things, but I'm going to
15 let you know as a board member of the Alcoholic
16 Beverage Control Board, I am totally disappointed
17 in you as an owner of a business in the District
18 of Columbia. You, sir, may be someone this board
19 needs to make an example out of because if a lot
20 of people try to operate like you we won't have
21 any decent businesses in Washington, D.C. I'll
22 just say this, I'm going to stop now because I'm

1 just -- what you present to this board is
2 unacceptable. You can't keep functioning like
3 this.

4 MR. KOSMIDES: Yes, sir.

5 MR. SHORT: That's all I have for right now,
6 Mr. Chair.

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MR. ALBERTI: Investigator Dantzler.

9 MS. DANTZLER: Yes, sir.

10 MR. ALBERTI: In your report, page two,
11 towards the bottom, you state that you were told
12 that Mr. Shahryar Kamouie (I don't know if I have
13 any of this pronounced right) was on the scene
14 when police arrived, is that correct? Is that
15 what you were told by MPD?

16 MS. DANTZLER: Yes, that's what I was told.

17 MR. ALBERTI: Okay. Lieutenant Merrill, is
18 it?

19 LT. MERRILL: Yes, sir.

20 MR. ALBERTI: Okay, do you know anything
21 about who was on the scene?

22 LT. MERRILL: The only thing I have is Mr.

1 Kamouie.

2 MR. ALBERTI: Yeah?

3 LT. MERRILL: That's the one that was there
4 assisting. He assisted our detective.

5 MR. ALBERTI: When they arrived?

6 LT. MERRILL: That was the day after. I
7 don't know exactly what the order was there.

8 MR. ALBERTI: Okay, what do you know about
9 that? Because, Ms. Dantzler, you also said
10 earlier something about somebody told you Mr.
11 Kamouie left earlier that evening.

12 MS. DANTZLER: Yes, Mr. Kamouie stated that
13 he was there on the night of the incident but he
14 left at 11:30.

15 MR. ALBERTI: At 11:30?

16 MS. DANTZLER: Yes.

17 MR. ALBERTI: So, do we know who was present
18 and in charge at the time the police arrived that
19 evening?

20 MS. DANTZLER: I don't know who was in charge
21 when MPD arrived but Mr. Azizi, as I said, he was
22 there the entire night evidently.

1 MR. ALBERTI: I got that. I got that.

2 LT. MERRILL: I can describe him physically,
3 who he was because I saw him in footage, but I
4 don't know who he is because he was a lighter
5 complexion male, bald head, he was wearing a suit
6 and I couldn't really tell his height. He looked
7 like he was about maybe 5'10" to 6 feet. I
8 don't know exactly who he was but he was the one
9 that was helping the sergeant out that night.

10 MR. ALBERTI: Okay, Ms. Dantzler.
11 Investigator -- Mr. Rome, please, I'll ask the
12 questions, please. Investigator Dantzler, does
13 that ring a bell?

14 MS. DANTZLER: It does. Looking at the video
15 footage it's Mr. Azizi who had been there during
16 that time.

17 MR. ALBERTI: Okay, okay, so Mr. Azizi. So
18 we don't know -- all right, so, Mr. Kosmides, who
19 is Mr. Shahryar Kamouie?

20 MR. KOSMIDES: He is one of the owners. He
21 is putting a group together that's going to be
22 purchasing the place. It's taking longer than he

1 would have liked. He's already -- he already
2 does have a small ownership interest currently
3 and they're working to put an ownership plan in
4 place.

5 MR. ALBERTI: Okay, and what is his current
6 ownership?

7 MR. KOSMIDES: 20%.

8 MR. ALBERTI: Okay, and when did that happen?

9 MR. KOSMIDES: It was executed back in, I
10 think end of last year, early this year.

11 MR. ROME: We didn't do that.

12 MR. ALBERTI: I -- you know, Mr. Kosmides,
13 Mr. Rome, let Mr. Kosmides speak.

14 MR. ROME: Sure.

15 MR. KOSMIDES: End of last year, early this
16 year.

17 MR. ALBERTI: Okay. So 2015?

18 MR. KOSMIDES: Yes, 2015.

19 MR. ALBERTI: Okay, or earlier this year.

20 Okay, great. So, who is Mr. -- I'm sorry, I have
21 a poor memory -- one thing I read, so I have to
22 refer to my notes. Excuse me. Well, let's start

1 with Mr. Romero. Who's Mr. Romero again?

2 MR. KOSMIDES: He's our general manager.

3 MR. ALBERTI: Okay. He claims to have been a
4 part owner. Is he part of the proposed
5 ownership?

6 MR. KOSMIDES: I believe that with the
7 ownership plan that they're working on he's going
8 to have part ownership in the business.

9 MR. ALBERTI: And there was a Mr. -- I'm
10 sorry -- I apologize -- I've got -- there's a
11 third person who claims to be an owner. Do you
12 remember who that was? Can you help me out, Ms.
13 Dantzler?

14 MS. DANTZLER: Mr. Raminez, Mr. Molhatra.

15 MR. ALBERTI: Mr. Molhatra? Who's Mr.
16 Molhatra?

17 MR. ROME: He's been with us for the last
18 year. He's also going to be part of the new
19 ownership.

20 MR. ALBERTI: Okay. And, so when did those
21 discussions begin with Mr. Raminez and Mr.
22 Mohaltra?

1 MR. ROME: All over the last eight to ten
2 weeks.

3 MR. ALBERTI: So, what's -- is it Mr.
4 Kosmides? What has his role been over the last
5 year?

6 MR. ROME: He's been an owner of the
7 business. I mean, he's actively involved in, you
8 know, like an owner but not in terms of day to
9 day but just, you know he, obviously wants the
10 business to be successful and he definitely
11 advises in decision making.

12 MR. ALBERTI: Okay. Lieutenant -- so,
13 actually, let me start with --do you have the
14 report in front of you, Ms. Dantzler?

15 MS. DANTZLER: My report?

16 MR. ALBERTI: Yeah.

17 MS. DANTZLER: Yes, sir.

18 MR. ALBERTI: Do you have the camera layout
19 in front of you as part of an exhibit to that
20 report?

21 MS. DANTZLER: No, I do not. It's attached
22 to the report, it's one of the exhibits. Do you

1 have the report with the pictures in it?

2 MS. DANTZLER: Let me look through it again.

3 MR. ALBERTI: It's way towards the back.

4 MS. DANTZLER: Here it is.

5 MR. ALBERTI: Second to the last page --
6 yeah, okay.

7 MS. DANTZLER: Got it.

8 MR. ALBERTI: Do you know how many cameras
9 they had operating that night?

10 MS. DANTZLER: Sixteen.

11 MR. ALBERTI: They did?

12 MS. DANTZLER: Yes.

13 MR. ALBERTI: Did you get footage from 16
14 cameras?

15 MS. DANTZLER: No, I didn't request all 16
16 cameras.

17 MR. ALBERTI: Which cameras did you get?

18 MS. DANTZLER: I got --

19 MR. ALBERTI: What did you request from them
20 and what did they cover?

21 MS. DANTZLER: I got camera #2, which covered
22 the front of the establishment outside, covering

1 the -- it took up most of the 1900 block of K
2 Street showing the south side, the east and west
3 bound traffic on K.

4 MR. ALBERTI: Did it show the front entrance?

5 MS. DANTZLER: It did.

6 MR. ALBERTI: It shows the front entrance?

7 MS. DANTZLER: It doesn't show the exact door
8 but it shows when individuals come and go from
9 those doors.

10 MR. ALBERTI: Okay. What else did you
11 request?

12 MS. DANTZLER: I received camera #7 --

13 MR. ALBERTI: Mm hmm.

14 MS. DANTZLER: -- which shows the dance
15 floor. I received camera #9 which also shows the
16 dance floor.

17 MR. ALBERTI: All right.

18 MS. DANTZLER: Two, seven, eight and nine are
19 the cameras that I received -- the video.

20 MR. ALBERTI: And eight?

21 MS. DANTZLER: Yes.

22 MR. ALBERTI: And eight shows what?

1 MS. DANTZLER: Eight shows the dance floor, I
2 believe as well.

3 MR. ALBERTI: So that's what you -- is that
4 correct?

5 MS. DANTZLER: I'm sorry?

6 MR. ALBERTI: That's what you've reviewed?

7 MS. DANTZLER: Yes.

8 MR. ALBERTI: And what's the time frame?

9 MS. DANTZLER: I asked from 9:00 until the
10 incident so it went up to, I believe it was 2:45
11 a.m.

12 MR. ALBERTI: Okay. Lieutenant, did you
13 review more than that or less than that?

14 LT. MERRILL: No, our detective reviewed it.
15 I reviewed other footage, body camera footage.

16 MR. ALBERTI: Okay, but you mentioned
17 something about seeing footage of the victim
18 sitting on a couch. Could you repeat what you
19 saw?

20 LT. MERRILL: Yeah, our detective reviewed
21 that footage with Mr. Kosmides -- I don't know if
22 I'm saying the name right.

1 MR. ALBERTI: Kosmides?

2 LT. MERRILL: Yeah, and in that footage you
3 can see the suspect -- I mean, the complainant --
4 sitting down on the couch.

5 MR. ALBERTI: Sitting? Do you know where he
6 came from?

7 LT. MERRILL: Where he came from?

8 MR. ALBERTI: Yeah.

9 LT. MERRILL: No. They said there's no video
10 footage of the bathrooms where the melee took
11 place.

12 MR. ALBERTI: Okay, so where's the couch? Do
13 you know where the couch is?

14 LT. MERRILL: I don't know exactly where it
15 is.

16 MR. ALBERTI: Ms. Dantzler, can you tell me
17 where the couch is?

18 MS. DANTZLER: Yes. From the floor plan, #10
19 and #9.

20 MR. ALBERTI: Oh, it's there in the middle of
21 the dance floor?

22 MS. DANTZLER: Yes.

1 MR. ALBERTI: All right, where are the
2 bathrooms?

3 MS. DANTZLER: Where camera #5 is.

4 MR. ALBERTI: Where camera #5 is. Through
5 that door?

6 MS. DANTZLER: Yes.

7 MR. ALBERTI: So, there's really no -- we
8 don't know if there's any cameras pointing at the
9 bathroom.

10 LT. MERRILL: Our detective says no. Our
11 detective said there wasn't any footage.

12 MR. ALBERTI: Of the bathroom?

13 LT. MERRILL: Correct.

14 MR. ALBERTI: Of the bathroom area so we
15 couldn't see anyone coming and going from the
16 bathroom?

17 LT. MERRILL: That is correct.

18 MS. DANTZLER: I'm hearing two different
19 videos then. With the video footage of the
20 victim on the couch--

21 MR. ALBERTI: Yeah.

22 MS. DANTZLER: -- that video was the MPD body

1 camera.

2 MR. ALBERTI: Right, right, right. But I'm
3 just trying to figure out part of this. I sort
4 of went forward and I wanted to know does anybody
5 have video of the bathrooms? Apparently that
6 area is not covered by any of the 16 cameras.

7 MS. DANTZLER: Not really. The video footage
8 that I saw covers the bathroom as you come out,
9 but the video footage --

10 MR. ALBERTI: Which camera is that?

11 MS. DANTZLER: That would be -- that should
12 be camera #5 which I did not get.

13 MR. ALBERTI: But that, according to here, is
14 pointed at the bar.

15 MS. DANTZLER: Correct.

16 MR. ALBERTI: So, maybe I'm wrong. Does it
17 cover people coming and going?

18 MS. DANTZLER: That's what it's showing. You
19 don't have the supplemental report --

20 MR. ALBERTI: But you didn't see it.

21 MS. DANTZLER: I saw the bathroom area but
22 it's not clear, but it's on one of the cameras

1 that I viewed, but I would have to look at my
2 supplementary report to tell you exactly which
3 camera is here.

4 MR. ALBERTI: That would be helpful. If you
5 have your supplementary report I'd really like to
6 have that. I'm concerned that we have a blind
7 spot in this establishment which is something
8 else that needs to be addressed. So, lieutenant?

9 LT. MERRILL: Yes, sir.

10 MR. ALBERTI: Do you know who was with the
11 victim on the couch and if he was being assisted
12 by or approached by anyone from the
13 establishment?

14 LT. MERRILL: No. We don't know if he was
15 approached by anyone from the establishment.
16 Supposedly he was there with another person and
17 then that other person went to go look for him
18 and then they found him on the couch and they
19 helped him up off the couch and the complainant
20 complained of an injury to his back. They took
21 off his shirt on the camera and then you can see
22 the blood.

1 MR. ALBERTI: Oh, so you could really clearly
2 see that there's an injury there of some sort.

3 LT. MERRILL: He took his shirt off and you
4 can see it.

5 MR. ALBERTI: All right. And then he comes
6 out of the club and you have no idea how?

7 LT. MERRILL: The person he was with told him
8 to sit down when they got outside the club. He
9 was still complaining about the injury to his
10 back.

11 MR. ALBERTI: Right, so they took him
12 outside. Somebody escorted him outside.

13 LT. MERRILL: We don't know.

14 MR. ALBERTI: And he sat down on the ground
15 outside.

16 LT. MERRILL: Right.

17 MR. ALBERTI: Okay.

18 MS. DANTZLER: Mr. Albert, the video I
19 watched, the victim was carried out by two
20 individuals who were standing on each side of him
21 when he sat down.

22 MR. ALBERTI: All right. Did they look like

1 they were employees?

2 MS. DANTZLER: No.

3 MR. ALBERTI: Okay. Did it look like anybody
4 talked to employees on the way out?

5 MS. DANTZLER: Yes, the victim talked to a
6 gentleman, a heavysset gentleman, it looked like
7 he had braids, and then they left and then when
8 the victim was outside the same individual, the
9 heavysset guy with the braids, was out there as
10 well and I'm not sure if he was on the cell
11 phone. I think he was on the phone as well.

12 MR. ALBERTI: And that individual -- was he
13 clothed in the manner consistent with the
14 security staff?

15 MS. DANTZLER: No.

16 MR. ALBERTI: Okay. So, we don't know who he
17 is?

18 MS. DANTZLER: Correct.

19 MR. ALBERTI: You don't see him here today.
20 It's hard to tell, right?

21 MS. DANTZLER: Figured him, I don't know, the
22 camera adds 10 pounds, so I don't know.

1 MR. ALBERTI: Yeah, I just need to know, I
2 don't want to leave any stone unturned. All
3 right. So, Mr. Kosmides, what do you know about
4 the contract you had with the promoter that
5 you've been ---who was the promoter?

6 MR. KOSMIDES: I'm not sure. Dream Team or
7 something.

8 MR. ALBERTI: Who would have made the
9 arrangements?

10 MR. KOSMIDES: Mr. B_____, our event
11 director. He would have any contracts -- the
12 contracts are all fairly -- I think we use the
13 same standard contract with everybody.

14 MR. ALBERTI: So, I have a report from -- ah,
15 so Mr. Molhatra would have had the information
16 about what was in that contract, right?

17 MR. KOSMIDES: Yes, sir.

18 MR. ALBERTI: Would it have been a signed
19 contract?

20 MR. KOSMIDES: I don't know. I would hope it
21 would have been signed.

22 MR. ALBERTI: Would it have been written?

1 MR. KOSMIDES: Yes, sir.

2 MR. ALBERTI: Would you have a copy or the
3 club have a copy?

4 MR. KOSMIDES: I do not know. Do we have --

5 MR. ALBERTI: It's your business, Mr.
6 Kosmides. This is the prob -- see, I'm not going
7 to go very far with this but do you understand
8 our frustration?

9 MR. KOSMIDES: I absolutely do.

10 MR. ALBERTI: We need to know who's in
11 charge, who's running the place.

12 MR. KOSMIDES: I absolutely do.

13 MR. ALBERTI: And this is like critical
14 information. You don't know, and that's --

15 MR. KOSMIDES: I didn't know if he submitted
16 a contract to you and I just don't know, like --

17 MR. ALBERTI: You don't even have a copy.
18 You didn't even know if -- you told me you didn't
19 know if you had a copy available. I mean, this
20 is Mr. Short's frustration. All right, so I'm
21 going to get off that horse, I'm just going to
22 leave that. But you understand.

1 MR. KOSMIDES: I completely understand.

2 MR. ALBERTI: All right. So, Mr. Molhatra
3 who you say knows the details of this contract
4 says -- do you know what else was going on that
5 evening? It says the party was not open to the
6 public, so would any part of the club have been
7 open to the public?

8 MR. KOSMIDES: I believe it was a private
9 event, sir.

10 MR. ALBERTI: Great. All right. Mr.
11 Molhatra says: #1 Cities D.C. would not provide
12 -- this is #1 in the contract -- Cities D.C.
13 would not provide food for the birthday party, so
14 we can rely on that, yes?

15 MR. KOSMIDES: Yes.

16 MR. ALBERTI: Are you aware that while you're
17 open you need to have the kitchen open?

18 MR. KOSMIDES: The kitchen was open that
19 night, it just wasn't contracted into the price
20 of whatever the original was, so people could
21 still order food, it just wasn't part of the
22 contract. If it's particularly part of the

1 contract we'll preorder it. There's a sub list
2 of -- and everything is itemized line by line.

3 MR. ALBERTI: So, can you provide us with the
4 receipts for food that evening?

5 MR. KOSMIDES: Yes.

6 MR. ALBERTI: I would appreciate it if you
7 would do that. Your bar receipts and food
8 receipts for that evening, and a copy of the
9 contract.

10 MR. KOSMIDES: Yes, sir.

11 MR. ALBERTI: All right. Can we have a
12 promise from you to provide us with an acceptable
13 -- all the documentation that has been accepted,
14 at first stage and accepted -- it doesn't have to
15 be approved by the board but it has to be -- we
16 have to have all of the information that's valid
17 and paper signed and all the required
18 information. I'm not going to go through the
19 list, I don't have it here with me, but at least
20 by the 13th of December?

21 MR. ROME: Full transparency.

22 MR. ALBERTI: The other concern I have is

1 your camera system. It seems like there's blind
2 spots. Can you get that fixed?

3 MR. KOSMIDES: Absolutely.

4 MR. ALBERTI: I'd love to be able to clearly
5 see who's coming in and out of that bathroom and
6 around that area because your club, your
7 restaurant, is not the only licensed
8 establishment where trouble seems to happen in
9 that area. People think they're not being seen
10 when they're coming and going to the restroom.
11 We see it all the time. So, I'd love to make
12 sure -- can we have an agreement that you would
13 make an appointment with one of our investigators
14 to come in and review your coverage and take
15 suggestions from them so that all blind spots,
16 every area where the public is allowed in your
17 establishment would be covered by cameras?

18 MR. KOSMIDES: Absolutely.

19 MR. ALBERTI: I think that's an easy thing.
20 You've got 16, you could probably do it fairly
21 easily.

22 MR. KOSMIDES: Yes, sir.

1 MR. ALBERTI: All right. And I'm not going
2 to ask you for anything but I will note for my
3 fellow board members that I suspect, although I
4 can't say it definitely, that your security plan
5 does not comport with the district's requirements
6 of a security plan. Now, you're a restaurant so
7 that's not required -- now it's not, unless the
8 board has some cause to require that, it's not
9 required, but it bothers me that it isn't --
10 given the fact that you've got -- twice a week
11 you may have 300 or 400 people in there in a
12 nightclub atmosphere, it's troubling to me.

13 MR. KOSMIDES: We'll revise our security plan
14 too, sir, and we'll provide that as well as
15 everything else.

16 MR. ALBERTI: Revise it so it comports with
17 the district's regulations on security plans.
18 Mr. Rome can point you to the regulations.
19 You're probably halfway there. You're probably
20 more than halfway there but -- and it needs to be
21 -- can we commit to having it reviewed and
22 accepted by the board?

1 MR. KOSMIDES: Yes, sir.

2 MR. ALBERTI: So then it becomes -- all
3 right. May even make that as a stipulation, the
4 security plan, but I'm not going to go that far.
5 Hang on. I'm going to pause there. And I want
6 to thank you, lieutenant, and investigator --

7 MS. DANTZLER: My pleasure.

8 MR. ALBERTI: -- for all the information you
9 provided.

10 LT. MERRILL: I was just informed by one of
11 our sergeants, their reimbursable detail -- I
12 believe they have an outstanding balance so
13 that's why they're not able to obtain a detail at
14 this time.

15 MR. ALBERTI: Well, they made a commitment to
16 us to have one.

17 MR. KOSMIDES: Whatever that issue is we'll
18 have it resolved.

19 MR. ALBERTI: I was going to say, otherwise
20 you won't live up to your commitment.

21 MR. KOSMIDES: We will absolutely have that.

22 MR. ALBERTI: I don't want to make light of

1 this but it's obvious.

2 MR. KOSMIDES: It will absolutely be
3 invested.

4 CHAIRPERSON ANDERSON: So, when did you have
5 requests for details for there to be an issue,
6 because I thought you were making a commitment
7 now to have it, so did you have it before at this
8 location?

9 MR. KOSMIDES: Yeah, we moved locations. We
10 had reimbursable detail at our former location
11 for several months to renovate and kind of merge
12 the two locations into one so we took a break for
13 the months that we weren't open and then we --

14 MR. ROME: Have you had reimbursable detail
15 at this location previously?

16 Previously -- not within the last year, but
17 yes.

18 CHAIRPERSON ANDERSON: So, the balance then
19 is probably from two years, or a couple of years
20 back?

21 MR. KOSMIDES: We'll find out. Whatever it
22 is it will be invested and taken care of prior to

1 our --

2 CHAIRPERSON ANDERSON: Does the district
3 charge interest? Yes, Mr. Silverstein.

4 MR. SILVERSTEIN: I'd like to follow up, Mr.
5 Kosmides, on the questions Mr. Alberti asked.
6 You say the kitchen was open?

7 MR. KOSMIDES: Yes, sir.

8 MR. SILVERSTEIN: For this entire event, or
9 until --

10 MR. KOSMIDES: Somebody stays in the kitchen
11 usually --

12 MR. SILVERSTEIN: I'm sorry?

13 MR. KOSMIDES: Yes, sir. Just per our policy
14 when we do a bottle service event -- and when I
15 say every Friday and Saturday, sometimes it's
16 just once a week, sometimes we don't have, I
17 guess a bottle service event every week.

18 MR. SILVERSTEIN: Okay.

19 MR. KOSMIDES: But every time we have a
20 bottle service event that goes past the normal
21 hours of operation we have someone in the kitchen
22 until 1:30 or 2:00 just in case to probably deal

1 with a night menu.

2 MR. SILVERSTEIN: But the contract says you
3 would not provide food for the event.

4 MR. KOSMIDES: We would not provide -- the
5 promoters are responsible for buying the food for
6 the event. If I wanted to go and order something
7 I would be able to go and place an order for
8 food, but the contract -- like all of our event
9 contracts, when it comes to food we usually, in
10 advance, determine that you're gonna buy \$2000
11 worth of food, you're going to get 16 platters of
12 X, Y and Z and you're responsible for paying 50%
13 of that balance up front and then 50% upon
14 consumption of that. In this particular contract
15 the promoter wasn't responsible, it was just
16 going to be anybody -- it would be just like the
17 promoter not being responsible for the ice cubes
18 or the water fountain or whatever. I mean, it's
19 implied that you're coming to a restaurant,
20 there's going to be food anyway, it's just not
21 going on your tab.

22 MR. SILVERSTEIN: And it was a private party

1 that was not open to the public?

2 MR. KOSMIDES: Correct.

3 MR. SILVERSTEIN: Lt. Merrill thank you for
4 coming, thank you for your service, thank you for
5 all you do for 2D. How full was the place on the
6 films? Video.

7 LT. MERRILL: There was a lot of people
8 there. I can't tell what the capacity of the
9 restaurant is but there was a lot of people,
10 there was a lot of people out front. We had to
11 call for reinforcements so we pretty much had
12 half of the second division there.

13 MR. SILVERSTEIN: You had to call for
14 reinforcements?

15 LT. MERRILL: Well, the sergeant did on the
16 scene, correct.

17 MR. SILVERSTEIN: Tell me more. How many
18 people? What did you have to --

19 LT. MERRILL: There was probably about four
20 or five officers there on the scene originally
21 and then there was just so many people going
22 outside and so many fights going on that they had

1 to call for more reinforcements so we had the
2 entire second division there.

3 MR. SILVERSTEIN: Help me out with this
4 because I'm not 100% sure and I want to get it on
5 the record, was there any indication that the
6 individual who was either stabbed or cut was
7 stabbed inside the establishment, was injured
8 inside the establishment, or outside the
9 establishment? What did you see on the video?

10 LT. MERRILL: The video showed that he was
11 injured inside the establishment because the
12 video showed -- well it showed the melee, him
13 leaving the melee and then coming over to the
14 couch, and then it showed the injury after his
15 shirt came off, so, you know --

16 MR. SILVERSTEIN: Was there any evidence?
17 Was there any blood inside? Or was the scene --

18 LT. MERRILL: Not that I saw.

19 MR. SILVERSTEIN: I want to ask investigator
20 Dantzler also, was the scene kept clean or had it
21 been tampered with, if, in fact, this was a crime
22 scene? Had it been cleaned?

1 MS. DANTZLER: I would say no because I was
2 under the understanding that the victim was
3 injured outside of the establishment so that area
4 was cordoned off.

5 MR. SILVERSTEIN: They cordoned off the area
6 where the individual was discovered by the
7 police? But there is this gray area as to
8 exactly where the cutting or stabbing took place,
9 but there are indications it may have happened
10 inside, sir?

11 LT. MERRILL: Yes.

12 MR. SILVERSTEIN: When the fight occurred, or
13 these fights occurred, how were the individuals
14 ejected?

15 LT. MERRILL: I can't tell how they were
16 ejected.

17 MS. DANTZLER: Which fight?

18 MR. SILVERSTEIN: Yeah, I mean you've got a
19 main event and an under card here, and a coupled
20 after the main event. The issue is that when
21 there is a fight, we're concerned that the
22 combatants are not simultaneously ejected so that

1 the fight will then take place outside, that the
2 main protagonist is put out first for the safety
3 of the others. Is there any -- and I would also
4 ask Mr. Kosmides, how would folks who were
5 ejected in this particular case, was what
6 happened outside required in fact, now we're
7 hearing police reinforcements? You don't
8 obviously want to keep them inside, but let's ask
9 you, Mr. Kosmides, what happened in terms of the
10 ejections of the people and in terms of the
11 notification to the police that you had a
12 problem.

13 MR. KOSMIDES: I believe three of our staff
14 members called 911 immediately when they
15 discovered the gentleman outside. As far as
16 diffusing the different fights, I can't speak to
17 like the standard security policy is -- in terms
18 of protocol, like, you know, how you can touch
19 somebody or grab them or whatever else, I just
20 know that any person that was causing any kind of
21 trouble was summarily escorted outside.

22 MR. SILVERSTEIN: Okay. Well, I see here, if

1 I'm not mistaken, there is a show cause hearing
2 next week involving Cities for non ABC manager
3 interference that's set for 2:30 p.m. on December
4 7th. If that's the case, could you have all of
5 the -- it might be helpful to you and all of us
6 if you get the information that you promised Mr.
7 Alberti and you promised me --

8 MR. KOSMIDES: Absolutely --

9 MR. SILVERSTEIN: -- at that time.

10 MR. KOSMIDES: -- I'm a little embarrassed
11 about today, you will have everything that you
12 guys have been asking for and I, again, sincerely
13 apologize and we want to cooperate to the fullest
14 and want to make sure this doesn't happen again
15 and by the 7th you'll have everything that you
16 asked for, sir.

17 MR. SILVERSTEIN: We absolutely need to have
18 this as quickly as possible to move forward.

19 MR. KOSMIDES: Yes, absolutely.

20 MR. SILVERSTEIN: And, again, I want to thank
21 investigator Dantzler and Lt. Merrill for your
22 efforts here and the work that you've done on

1 this very serious issue. Thank you very much.

2 MS. DANTZLER: You're welcome.

3 CHAIRPERSON ANDERSON: Mr. Alberti?

4 MR. ALBERTI: Mr. Kosmides, is the plan to
5 sell the business completely? What is your plans
6 in terms of your ownership in the business down
7 the road?

8 MR. KOSMIDES: Yeah, I will be completely
9 removed from ownership.

10 MR. ALBERTI: Okay, so the plan moving
11 towards, I guess December 13th, is that we'll
12 show that you're no longer going to be involved,
13 is that your intention?

14 MR. KOSMIDES: I have like five or six months
15 --

16 MR. ALBERTI: I'm just curious, I'm just
17 curious to where we were going more out of
18 curiosity. I do have another questions,
19 switching gears. So, all of your guest checks
20 and all of your records from your sales and all
21 of that, where are those kept? In your
22 restaurant or are they kept someplace else?

1 MR. KOSMIDES: We have a storage space about
2 a block -- we have a storage space on 18th and L
3 where we hold some boxes of records depending
4 upon -- they occupy a lot of space, depending
5 upon when --

6 MR. ALBERTI: The records for the last three
7 years that you're required to keep as a
8 restaurant.

9 MR. KOSMIDES: Some are in the office and
10 some are just outside the office, and whenever we
11 can't fit it either inside the space -- whatever
12 we can't fit inside the venue we have storage
13 space a block away.

14 MR. ALBERTI: Okay, so you're aware that if
15 you store some stuff off site, a block away is
16 off site, you have to request permission from the
17 board? Have you ever done that?

18 MR. KOSMIDES: In terms of --

19 MR. ALBERTI: I'm just --

20 MR. KOSMIDES: I don't understand the --

21 MR. ALBERTI: I can check our records. I
22 suspect that you haven't.

1 MR. KOSMIDES: Sure.

2 MR. ALBERTI: If you want off site storage, a
3 block away is off site storage of your records.
4 That needs to be requested, all right? So --

5 MR. KOSMIDES: We will absolutely do that.

6 MR. ALBERTI: I'm not here to ding you on
7 that, I just -- you need to let the new owner
8 know this. All right? I don't want to have
9 troubles going. If you're not complying, I don't
10 want the new owner to comply because you don't
11 know what's going on. All right? All right.

12 MR. KOSMIDES: Absolutely.

13 MR. ALBERTI: Part of the reason I'm asking
14 is, I'm getting, and I have to confirm this, but
15 I'm getting -- Kent's here from our staff that if
16 -- when's the last time you filed quarterly
17 reports? Who does the quarterly reports for you?

18 MR. KOSMIDES: Mr. B_____ does the quarterly
19 reports.

20 MR. ALBERTI: When's the last time you filed?

21 MR. KOSMIDES: I believe he filed, or the
22 last report within the last two weeks.

1 MR. ALBERTI: Okay, we'll check to see if
2 you're up to date. I can't confirm it, I'm only
3 hearing bits and pieces from staff that there
4 might be some question as to whether the
5 quarterly reports have been filed. We will look
6 into that. Okay, thank you.

7 CHAIRPERSON ANDERSON: Yes, Mr. Short.

8 MR. SHORT: Lieutenant Merrill, thank you and
9 thank you Investigator Dantzler. The question
10 was asked by myself about the number of fights,
11 maybe you can [inaudible 2:11:43] the number of
12 calls MPD goes to Cities.

13 LT. MERRILL: When I was just reviewing this
14 today, I was only able to review just the past
15 month. We've had two -- that night there was
16 another separate incident. There was an arrest
17 for a simple assault. Also, earlier in the
18 month. I don't want to give you -- the 12th or
19 15th -- I don't want to give the exact date, but
20 there was an earlier time in the month we had an
21 arrest at that location as well of the fight.

22 MR. SHORT: Okay, so is this a nightclub or a

1 restaurant or how would you? -- Is this your PSA?

2 MR. KOSMIDES: No it's not, it's PSA 207 and
3 I have 208.

4 MR. SHORT: 207. Do you have any history of
5 this PSA in this particular business? As to how
6 they operate?

7 MR. KOSMIDES: No, I don't. I wish I did but
8 no, I don't.

9 MR. SHORT: Okay, if you come again that
10 would be helpful to us. Because the bottom line
11 is if we have a business that's operating outside
12 of its permitted use by the city, then we need to
13 know that, and also the reimbursable details, if
14 there's any way we could ask -- when reimbursable
15 details are stopped by MPD and these clubs have
16 agreed, some of them, to do this, maybe we need
17 to get a notification some kind of way. I don't
18 know we can work it out. I guess our agency is
19 going to work it out. At any rate, when you
20 have reimbursable detail and you kind of get
21 things under control and then whatever reason the
22 reimbursable detail stops then we have incidents

1 like this.

2 MR. KOSMIDES: Right.

3 MR. SHORT: The problem is they had a better
4 way of addressing the detail, maybe a fight or
5 two would have happened but it wouldn't have
6 gotten to this extent. We don't want anybody
7 losing their lives.

8 LT. MERRILL: That's handled out of assistant
9 chief, Groom's office. I'll let her know and
10 inquire about that.

11 MR. SHORT: Thank you, I appreciate that very
12 much. Thank you Mr. Chair.

13 CHAIRPERSON ANDERSON: Yes, Mr. Alberti.

14 MR. ALBERTI: I just have one final comment
15 and this is really directed to my board members,
16 we're anticipating a transfer of ownership. It
17 looks like it's a complete transfer of ownership
18 according to Mr. Kosmides' intentions. It kind
19 of changes the game here. But we know that Mr.
20 Shahryar has been a 20% owner for the last year.
21 I'm going to make sure -- I'm going to recommend
22 to our board that we look very closely at this

1 new application, that we hold a fact finding
2 hearing on this new application, because all of
3 the requirements that we talked about today and
4 everything, those are commitments but he's not
5 going to be an owner, we've got a brand new owner
6 coming in, so it's a game changer, folks, and I
7 just want everybody to pay attention to that as
8 we move forward.

9 MR. SHORT: Thank you, Mr. Alberti.

10 CHAIRPERSON ANDERSON: Are there any other
11 questions by any other board members? Ms.
12 Dantzler?

13 MS. DANTZLER: Mr. Anderson, I just wanted to
14 add if we can get contact information, updated
15 contact information for Mr. Kosmides, because the
16 last information we had was entered in like 2008,
17 so being that he's going to probably still be the
18 owner for the next couple of weeks, I want to get
19 some solid contact information.

20 MR. KOSMIDES: No problem.

21 MS. DANTZLER: As well as if we can -- it
22 will be helpful for us as well as MPD if someone

1 there knows how to operate the video equipment
2 instead of a delay in that, that would be very
3 helpful, and lastly as for the current -- the
4 owners to be, Mr. Raminez, Mr. Kamouie and Scott,
5 all three of them were highly, highly -- worked
6 with me in getting the information that I needed.
7 They also communicated with Mr. Azizi in trying
8 to get information, but when the three of them,
9 Raminez and Shahryar and Mr. Malhotra, when they
10 all got involved they helped get the information
11 that I needed to make this report complete. I
12 wanted to put that on the record.

13 CHAIRPERSON ANDERSON: All right, thank you.
14 And, Mr. Rome, can you make sure that that
15 information is provided to the agency pronto,
16 please?

17 MR. ROME: Sure.

18 CHAIRPERSON ANDERSON: Meaning the contact
19 information, I think that information is
20 something that's needed immediately. Lt.
21 Merrill, do you have anything?

22 MR. ALBERTI: Can I suggest one thing? Can

1 we have Mr. Sharyar's contact information too?

2 MR. ROME: Sure.

3 MR. ALBERTI: Since we've been informed today
4 that he's a 20% owner and he was there that
5 evening and seems to me to be running things, so
6 that's why I ask.

7 MR. ROME: Understood.

8 CHAIRPERSON ANDERSON: Lt. Merrill do you
9 have any final thoughts you want to make?

10 LT. MERRILL: No, sir.

11 MR. ALBERTI: Mr. Chairman?

12 CHAIRPERSON ANDERSON: Yes, sir?

13 MR. ALBERTI: One final thing I'd like to
14 follow up on. My colleague, board member Short,
15 mentioned that this is not the first time where
16 an RDO was not available because the licensee was
17 in arrears. Could you or someone in MPD get this
18 board a list of those licensed establishments
19 that are in arrears more than 30 days or 60 days,
20 all of them that we could clear this matter up
21 and make sure that these establishments are, in
22 fact, complying with the law?

1 CHAIRPERSON ANDERSON: Well, the information
2 is good but I'm not sure if the agency can be
3 collecting. I don't think the agency is in a
4 position to ensure that these licensees pay their
5 bills, but anyway.

6 LT. MERRILL: I can definitely -- I'll let
7 Chief Groomes know, absolutely.

8 MR. ALBERTI: I think that it would, among
9 other things, be helpful to us in our
10 understanding of who is running a tight ship and
11 who is not and who is delinquent. There are any
12 number of warning signals that you have a
13 troubled establishment and these storm warnings
14 can help you. There's a gentleman back there.

15 MR. O'HARRAN: I'm Michael O'Harran and I'm
16 the RDO coordinator for MPD out of Chief Groomes'
17 office. From OCFO, which handles all the
18 delinquency notifications, we get a weekly
19 report. It's pretty consistent that we'll get it
20 every single week except for holidays can throw
21 it off a little bit and what we get is a mixture
22 of all of these special events, marathons,

1 everything else, along with the clubs. With that
2 weekly we scrub at getting rid of all the S&D
3 stuff and then we finalize it out of our office,
4 so we just have one delinquent [inaudible
5 2:18:49] not all of them are ones that have
6 contracts under us currently, however it has
7 every single club that's still open and the ones
8 that have closed, we can, if I get a list of all
9 those things together and who wants it, once we
10 scrub it to just clubs we could forward that on
11 on a weekly basis and that lets you know who's
12 racking up the outstanding debt.

13 MR. SHORT: Sergeant I think that would be
14 very helpful.

15 MR. ALBERTI: Can you forward just licensed
16 establishments?

17 MR. O'HARRAN: We do that already every
18 single week.

19 MR. ALBERTI: Okay. Not just nightclubs, but
20 all licensed establishments.

21 MR. O'HARRAN: Well, the way that it works is
22 in order to have accrued one of those invoices

1 that could then become outstanding is that at
2 some point that licensee would have had to come
3 under contract.

4 MR. ALBERTI: That's what I mean, that's what
5 I mean.

6 MR. O'HARRAN: Yes.

7 MR. ALBERTI: When you were saying club, I
8 didn't want to just isolate it to nightclubs.

9 MR. O'HARRAN: Yeah, I apologize for the
10 generalization. Anybody who's had RDO through
11 our program.

12 MR. ALBERTI: Thank you, Sergeant.

13 MR. O'HARRAN: If I can just get a collective
14 list at the end of this we'll go ahead and
15 forward that weekly.

16 MR. ALBERTI: Great, thank you.

17 MR. SHORT: Thank you for your service.

18 MR. ALBERTI: Thank you, nothing further, Mr.
19 Chairman.

20 CHAIRPERSON ANDERSON: Mr. Rome, any final
21 comments you want to make?

22 MR. ROME: I do not.

1 CHAIRPERSON ANDERSON: All right, thank you
2 very much. The board will take the matter under
3 advisement.

4
5 (Whereupon, the above-entitled matter was
6 concluded.)

7